



MEMORANDUM

Supplement to:
Agenda Item No. 11(A)(1)

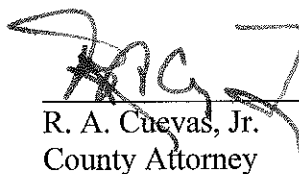
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 16, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Supplemental information to
Resolution 11A1 – UMSA Trust
Fund

The accompanying supplement was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/jls



MEMORANDUM
BOARD OF COUNTY COMMISSIONERS
Commissioner Juan C. Zapata, District 11

DATE: April 16, 2013

TO: The Honorable Rebeca Sosa, Chairwoman of Board of County Commissioners
Members of the Board of County Commissioners

FROM: Commissioner Juan C. Zapata *A. Z.*

RE: Item 11A1 on the April 16, 2013 BCC Agenda – UMSA Trust Fund

Item 11A1 on today's agenda was considered by this Board at its last meeting. At that time some of my colleagues proffered amendments which I deemed friendly and agreed to incorporate in the item. Subsequent to the discussion the item was deferred. As promised at the last meeting I intend to honor those amendments as well as other amendments to clarify the intended purpose of this item. Attached please find a revised resolution incorporating a number of amendments. For ease of reference, the significant changes are noted below and attached is a version marked to show changes to Agenda Item 11A1. The changes are noted with a double strike through and double underline. It is my intention to move Agenda Item 11A1 as amended by this supplement.

The attached item differs from Agenda Item 11A1 in that it establishes a trust fund to fund infrastructure projects throughout the unincorporated municipal service area of the County rather than limit the use of funds to projects located in District 11. Funds may be donated by government agencies, for profit and not for profit corporate entities, and individuals for this purpose. If no terms, limitations or conditions are attached to the donation, the funds will be disbursed by the Board to fund one or more priority projects located in UMSA identified by the administration as unfunded. As noted in the attached, this Board has throughout the years established trust funds in a format similar to this one where private corporations and individuals may contribute funds to pay for or defray the cost of County services or projects.

c: The Honorable Carlos A. Gimenez, Mayor
Edward Marquez, Deputy Mayor
Jennifer Moon, Budget Director
Robert A. Cuevas, Jr., County Attorney
Abigail Price-Williams, First Assistant County Attorney
Harvey Ruvin, Clerk of the Board of County Commissioners
Christopher Agrippa, Division Chief, Clerk of the Board

Attachment

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Approved _____ Mayor

Agenda Item No. 11(A)(1)

Veto _____

4-16-13

Override _____

RESOLUTION NO. _____

RESOLUTION ESTABLISHING ~~[[DISTRICT 11 PUBLIC IMPROVEMENT]]~~ >>MUNICIPAL PROJECTS<< TRUST FUND;
PROVIDING TERMS AND CONDITIONS FOR DISBURSEMENTS
FROM THE TRUST FUND

WHEREAS, there are a number of unfunded public improvements needed throughout >>the Unincorporated Municipal Services Area ("UMSA") of the County<< ~~[[District 11]]~~, including, but not limited to, sidewalks, bike paths, parks, signs, painting of community walls, park improvements, speed advisory radars, landscaping, lighting, and the erection of noise barrier/privacy walls (the "~~[[Public Improvement]]~~ >>Municipal<< Projects"), all of which may result in the betterment of the community by making the ~~[[area]]~~ >>municipal service areas under the jurisdiction of the County<< more aesthetically pleasing, offering greater security and/or reducing or eliminating nuisances; and

WHEREAS, >>governmental agencies, corporations, foundations, local businesses, community organizations, civic-minded individuals or other legal entities<< ~~[[private individuals in Miami-Dade County]]~~ may desire to ~~[[contribute money to fund the Public Improvement]]~~ >>provide resources to defray the cost of Municipal<< Projects >>in the municipal service areas of Miami-Dade County<<; and

WHEREAS, this Board wishes to establish a >>Municipal Projects<< trust fund >>to serve as a depository<< for the >>receipt of any such monetary contributions<< ~~[[collection of funds to pay for Public Improvement Projects in District 11]]~~; and

>>**WHEREAS**, such monetary contributions may be designated for specific Municipal Projects, may be designated to defray the costs of Municipal Projects within a particular County

Commission District, or may be accepted to defray the costs of any Municipal Project within the unincorporated municipal service area ("UMSA") selected by the Board; and

WHEREAS, no new Quality Neighborhood Improvement Program Bonds have been issued for several years, which bond proceeds would otherwise be available to fund some of the projects contemplated by this Municipal Projects Trust Fund; and

WHEREAS, in 2007 this Board authorized the creation of the Wildlife Conservation Trust Fund to encourage donations to help Miami Metrozoo fulfill that mission under the supervision of the Director of the Miami-Dade Parks Department and the Director of the Metrozoo; and

WHEREAS, in 2009 this Board established the Animal Services Trust Fund for the sole purpose of receiving private sector monetary and in-kind tax deductible contributions as well as public sector contributions in support of the animal services provided by the Animal Services Department; and

WHEREAS, in 2010 this Board authorized the creation of a Miami-Dade County Fire Rescue Department Public Safety Expo Trust Fund to receive and expend funds in support of the 2011 Public Safety expo and any future expos; and

WHEREAS, in 2012 the Military Affairs Trust Fund was created to support the mission of the Miami-Dade County Military Affairs Board and Miami-Dade County's support for projects, programs, services related to our military veterans and our armed forces; and

WHEREAS, this Board wishes to establish a Municipal Projects Trust Fund to address the unfunded public improvements needed throughout the County's UMSA that cannot be funded through the Parks Foundation, the Library Foundation, and Animal Services Trust Fund, such as the Department of Public Works and Waste Management related infrastructure projects,

Water and Sewer related infrastructure projects, affordable housing related projects, and code enforcement related equipment, to name a few; and<<

WHEREAS, pursuant to Section 2-11.1(e) of the Code of Miami-Dade County, County employees and officials are prohibited from soliciting gifts unless such gifts are solicited by such individuals on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business; and

WHEREAS, >>any gifts or donations to the County for deposit in the >>Municipal Projects Trust Fund<< ~~[[trust fund established for Public Improvement Projects in District 11]]~~ shall be accepted or rejected in accordance with<<¹ ~~[[this Board wishes to waive]]~~ Administrative Order 1-3 related to Gifts to the County, including, but not limited to, those provisions vesting in the County Mayor or certain department directors the authority to accept gifts on behalf of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are hereby incorporated in this resolution.

Section 2. The “~~[[District 11 Public Improvement]]~~ >>Municipal Projects<< Trust Fund” is hereby established for the sole purpose of receiving >>monetary contributions to defray the costs of Municipal<< ~~[[funds to pay for Public Improvement]]~~ Projects located in ~~[[District 11]]~~ >>UMSA<< (the “Trust Fund”).

Section 3. The Trust Fund shall be administered by the ~~[[Finance]]~~ Department >>of Management and Budget, or its successor department,<< in accordance with this resolution ~~[[and the County’s investment policies]]~~. The Trust Fund shall be kept and maintained by the Finance

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted, words underscored and/or >>double arrowed<< are added.

Department >>in accordance with the County's investment policies<<, and any deposits to the Trust Fund, including any interest earned thereon, shall be used (a) in accordance with the terms and conditions of each grant or donation; or (b) if there are no specific terms or limitations attached to such grant or donation, at the direction of the ~~[[commissioner for District 11]]~~ >>Board<< for ~~[[the Public Improvement]]~~ >>Municipal<< Projects provided such project serves a public purpose and is located in ~~[[District 11]]~~ >>UMSA<<.

Section 4. The provisions of Administrative Order 1-3 >>, including those<< related to the acceptance or rejection of gifts on behalf of the County >>shall apply to<< ~~[[are waived for]]~~ contributions to the Trust Fund.

Section 5. Disbursements from the Trust Fund shall be made >>from a list prepared by the County Mayor or his designee identifying unfunded capital needs in UMSA<< as stated in a duly approved ~~[[motion stated on the record at a meeting of]]~~ >>resolution approved by<< the Board.

>>Section 6. All contracts funded in whole or in part by monies on deposit in the Trust Fund, including contracts for the purchase of construction services, professional services, materials, supplies, and goods and services, shall be approved in accordance with the procedures set forth in federal, State or local law, as applicable.<<

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. _____

Geri Bonzon-Keenan

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